

RECEIVED
CENTRAL FAX CENTER
DEC 20 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

APPLICANT: ADRIAN

Office of Petitions

SERIAL NO.: 10/612,635

ATTN: Christina Tartera Donnell
Senior Petitions Attorney

FILED: JULY 2, 2003

FOR: ASSEMBLY FOR SEALING AND CENTERING IN A TWO-CYLINDER
DASHPOT OR TWO-CYLINDER TELESCOPING LEG

RENEWED PETITION UNDER 37 CFR 1.181 TO WITHDRAW
THE HOLDING OF ABANDONMENT

RECEIVED
CENTRAL FAX CENTER

DEC 20 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

APPLICANT: ADRIAN

Office of Petitions

SERIAL NO.: 10/612,635

ATTN: Christina Tartera Donnell
Senior Patitions Attorney

FILED: JULY 2, 2003

FOR: ASSEMBLY FOR SEALING AND CENTERING IN A TWO-CYLINDER
DASHPOT OR TWO-CYLINDER TELESCOPING LEGRENEWED PETITION UNDER 37 CFR 1.181 TO WITHDRAW
THE HOLDING OF ABANDONMENT

It is respectfully requested to reconsider the petition
dismissal of November 29, 2007.

In support of this request, the following items are
being submitted:

(1) A copy of the docket record marked on the outside
of the file jacket where receipts of Office Actions are recorded
in chronological order. Every case possesses such a
record of events mrked on the outside of the file jacket.

(2) A copy of the docket card that is filed according
to the date when a response is due at PTO. Every case has
such a docket card.

The docket record (1) and (2) is being submitted in
response to to the Petitions Attorney's requirement. Such
docket records are maintained for every case. They have proven
effective in several thousand cases that have been filed in PTO.
The docket record consists of the two items: a docket card
and a docket record marked on the outside of the file jacket

with entries of Office Actions that have been received and

Responses with dates due to be filed in PTO, as noted in (1) and (2) above. If the Office Action of February 6, 2006 had been received, it would have been entered on both the file jacket and the docket record card.

(3) A copy of a mailing piece that was received by practitioner about December 3, 2007 at 44 Maple Court when it should have been delivered instead to 43 Maple Court. This mailing piece was then correctly re-directed to 43 Maple Court. It is evident from this that the mail cannot be relied on 100% to deliver a mail piece to the correct destination.

(4) A notarized statement from the practitioner that the Office Action of February 6, 2006 was not received, and that no similar incident was reported to PTO where an Office was not received, in over 40 years of practice.

There would be no motivation for practitioner not to report an Office Action since practitioner would be compensated for that by the applicant. The motivation is, instead, to report any Office Action received and to take action thereon, since the applicant will provide the compensation therefor.

In view thereof, it is respectfully requested that the holding of abandonment of the application be withdrawn.

The alternate method of filing a petition under

37 CFR 1.137(b), as noted in the "Decision" of November 29, 2007, would not be applicable, because it assumes that the Office Action of February 6, 2006 was received, but that the required response was delayed unintentionally. In the present situation, the Office Action was never received.

Respectfully submitted,

Max Fogiel

Max Fogiel
44 Maple Court
Highland Park, N.J. 08904
Phone: (732)214-8892

address change

612, 635

Priority July 6, 2003

Filed July 2, 2003

Reg. Amend due ~~Jan 15, 2005~~

FR Amend due ~~June 23, 2005~~

Call Exam

Filed RCE 7/29/05

Reg Amend due ~~Nov 30, 2005~~

Requested Remarking of OA 7/30/07

(1) Copy of Docket Record maintained
on the outside of the file jacket

THYSSENKRUPP
CLIENT

ADRIAN
INVENTOR

612,635
SERIAL NO.

FROM PATENT OFFICE

TO PATENT OFFICE

Action Received	Date Action Is Due from PTO	Type of Response	Date Mailed	Date Filed (from card)	DATE DUE
		Filed New Patent Application		7/2/03	
Req		Amend			1-15-05
FR		Amend Call Examiner			6-23-05
		Filed RCE 7-29-05			
Req		Amend			4-30-05
		Requested Pendency of OA 7/30/05			

(2) Copy of the card maintaining the Docket Record and filed according to the date when a response is due at PTO



WACHOVIA BANK, N.A.
Dept. VA7300
PO BOX 40831
Roanoke, VA 24072-8031

WACHOVIA

FIRST CLASS MAIL
U.S. POSTAGE
PRESORTED PAID
CHARLOTTE, NC
PERMIT NO. 3451

IMPORTANT NOTICE INSIDE

014050 3DG 38/ ***AUTO**3-DIGIT 089



DANIEL V HAZEL
43 MAPLE COURT
HIGHLAND PARK NJ 08904

(3) Copy of an incorrectly-delivered
mailpiece described in the statement
of practitioner

RECEIVED
CENTRAL FAX CENTER

DEC 20 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

APPLICANT: ADRIAN

Office of Petitions

SERIAL NO.: 10/612,635

ATTN: Christina Tartera Donnell
Senior Petitions Attorney

FILED: JULY 2, 2003

FOR: ASSEMBLY FOR SEALING AND CENTERING IN A TWO-CYLINDER
DASHPOT OR TWO-CYLINDER TELESCOPING LEGDECLARATION

I, Max Fogiel, declare that the Office Action of February 6, 2006 in the above-identified application was not was not received, and that a similar incident where an Office Action was not received, has not occurred in over 40 years of practice, to the best of my knowledge and recollection.

A search of the file jacket and docket records indicates that the Office Action was not received.

Sworn before me this 20th day of December 2007.

*Max Fogiel**[Signature]*
Notary